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September 27, 2019

Arizona Corporation Commission
Re: DOCKET No. RU-00000A-19- 0132

IN THE MATTER OF PROPOSED MODIFICATIONS TO THE RULES REGARDING TERMINATION OF SERVICE

Dear Commissioners and Staff,

On September 23, 2019, I inadvertently filed comments into Docket **E-00000A-19-0128** - Investigation and Comprehensive Review of the Commission's Disconnection Rules and the Disconnection Policies of Public Service Corporations.

I am re-submitting my original comments, as well as additional information, upon learning ACC staff has changed the temperature threshold from 95 degrees to 105 degrees, which is dangerous, alarming, and will **not** protect public health.

If it is this Government body's intention to save lives from utility shutoffs in extreme temperatures, then I ask you apply data driven policy, instead of pulling numbers out of your utility master's hat. You were elected to **protect** the public's best interest, and **surely keeping people alive would fall into this purview.**

Were any medical or public health officials consulted during ACC Staff's process in revising these rules? Especially those with medical expertise in treating vulnerable residents (infants, children, elderly, pregnant women, chronically ill)? If not, I would strongly suggest the Commissioners demand this course of action prior to finalizing any rules.

In case you are unaware, heat causes more deaths than any other weather-related event. It is known as the "silent killer," and our heat-related deaths have increased every year. As I have said 100 times, AC in Arizona is not a luxury – it's literally a matter of life or death – and the science and data back up my words.

In case you are unaware, this is what happens to a person's body in heat, including a space with no AC:

“The human body usually can regulate its temperature. When the body gets too hot, it uses several strategies to cool down, including sweating. But if a person spends too much time in the heat without taking in enough fluids, the body's cooling processes can't work properly. When the body becomes dehydrated, it can no longer cool itself by sweating. When this happens, body temperature can rise high enough to make the person sick.

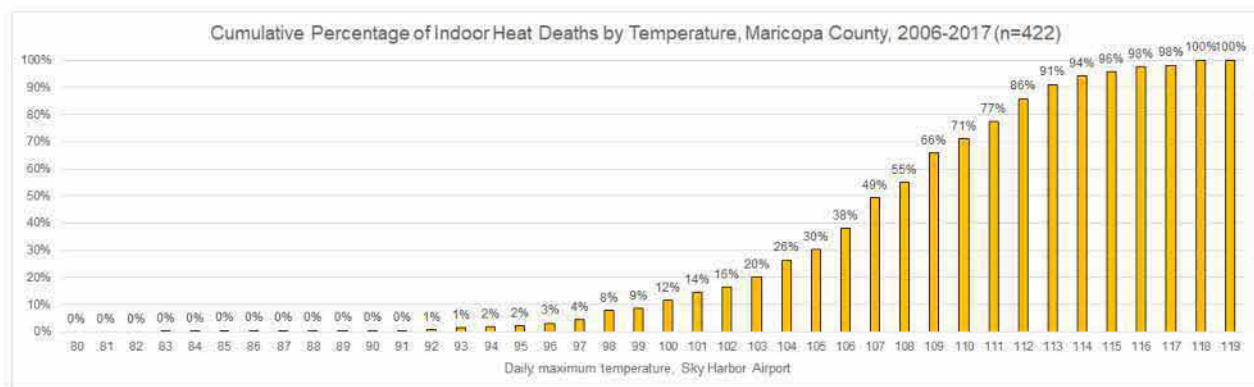
The first symptoms of heat illness occur as the body temperature climbs above normal, and can include headache, nausea, vomiting, muscle cramps and fatigue. These early symptoms sometimes are called heat exhaustion. If steps are not taken to reduce body temperature, heat exhaustion can worsen and become heat stroke.

Heat stroke is a serious, potentially life-threatening form of heat illness. The body temperature rises to 105 degrees Fahrenheit or higher and you develop neurological changes, such as mental confusion or unconsciousness. At these high temperatures, body proteins and the membranes around the cells in the body, especially in the brain, begin to be destroyed or malfunction. The extreme heat can affect internal organs, causing breakdown of the heart muscle cells and blood vessels, damage to internal organs, and death. There are two main **causes of heat stroke**:

- **Exertional heat stroke** occurs when someone is vigorously active in a hot environment, such as playing sports on a hot summer day or participating in military training activities. It typically strikes young, otherwise healthy people, those least likely to be concerned about the effects of heat on their health. Because of the lack of concern, early symptoms may be dismissed or ignored.
- **Nonexertional heat stroke** tends to occur in people who have a diminished ability to regulate body temperature, such as older people, very young children or people with chronic illnesses. High heat in the surrounding environment, without vigorous activity, can be enough to cause heat stroke in these people.”

(Source: [https://www.health.harvard.edu/a to z/heat-stroke-hyperthermia-a-to-z](https://www.health.harvard.edu/a-to-z/heat-stroke-hyperthermia-a-to-z))

The following information was provided to me by Professor David Hondula (Senior Sustainability Scientist, Julie Ann Wrigley Global Institute of Sustainability, Assistant Professor, School of Geographical Sciences and Urban Planning, College of Liberal Arts and Sciences, Faculty Affiliate, Epidemiology and Data Services, Maricopa County Department of Public Health) which utilized data from Maricopa County Department of Public Health.



A few highlights/examples from this data:

- The "coldest" day with an indoor heat death had a high temperature of 83F
- 2 of 422 indoor heat deaths (<1%) occurred on days of 90F or below
- 49 of the indoor heat deaths (12%) occurred on days of 100F or below
- Indoor heat deaths have been reported as early in the year as March and as late as November;
- >98% of the cases are in June-September

When I worked on SB 1542, I collected research from numerous credible sources, as well as read numerous coroner reports of indoor heat related deaths in Maricopa County. It is for this reason that 90F was chosen as the threshold, and it was/is both temperature AND date-based to protect as many lives as possible.

According to a recent KVOA news article/story, **“Researchers looked at nearly 20 years of data and found up to 200 people have died after their power was turned off. But despite the disturbing numbers they said they don’t know enough yet to determine if those deaths can be linked to a shut-off.”** (Source: <https://kvoa.com/news/2019/08/13/more-deaths-may-be-linked-to-power-shut-offs-in-phoenix-area/>)

Up to 200 people. And this is just in Maricopa County. To say the Arizona Corporation Commission, its elected regulators, ACC Staff, and RUCO have all not only dropped the ball, but lost the ball entirely, is both justified and appalling. At this point, we do know for certain that at least several people have died after having their APS power cut off in extreme temps. **This is your RESPONSIBILITY. How many grandmas is it okay to let die? Two? Twenty? Fifty?** I would certainly like to think a goal of zero deaths would be the objective here. But once again, APS says jump, and this government body asks how high. It is disgusting. I am including additional data and info below, in hopes that this Commission will connect the dots and do the right thing, but per the norm, I won’t be holding my breath for fear of passing out. All I ask is that you do your JOB, which is to PROTECT the PUBLIC. 105 degrees does not cut it.

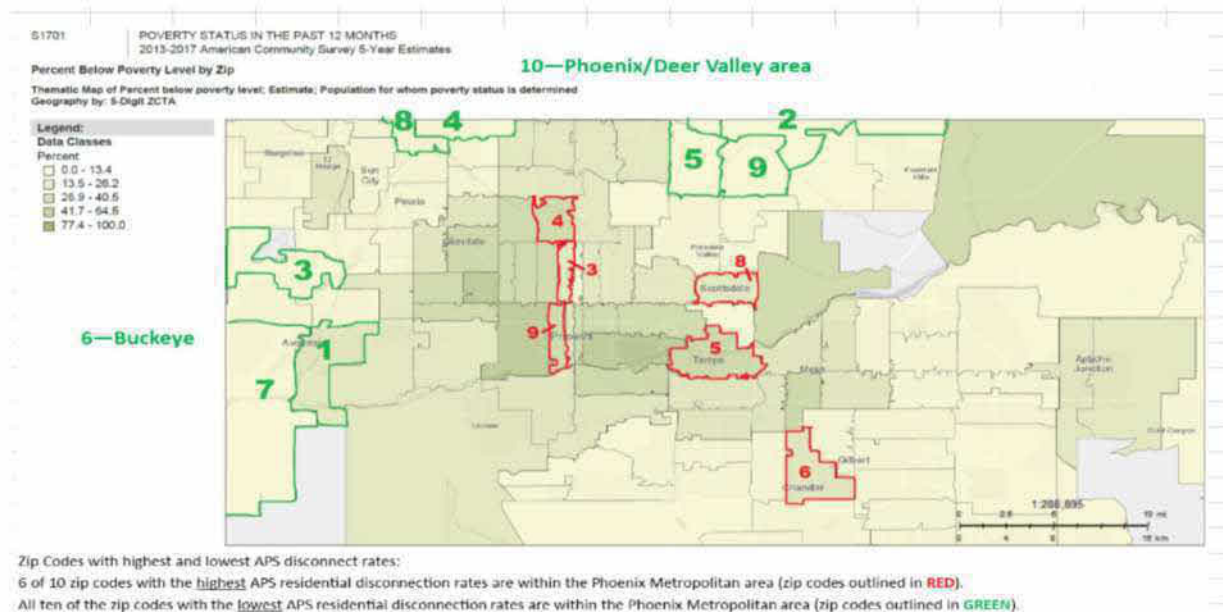
The large rise in APS shutoffs in 2018 can absolutely be tied and attributed to the unjust and unjustified rate hike. For hundreds of thousands of customers, the bills are too high, represent the second highest monthly bill, and Arizona has a very high bill burden. (Bill burden source: <https://blog.ucsusa.org/joseph-daniel/state-electricity-affordability-rates-vs-bills-vs-burden>)

The largest number of those affected, are also in many cases, our most vulnerable residents: infants and children, elderly on fixed incomes, pregnant women, and the chronically ill. In fact, the higher the average poverty level, the higher the disconnect rate and higher the disproportionality factor.

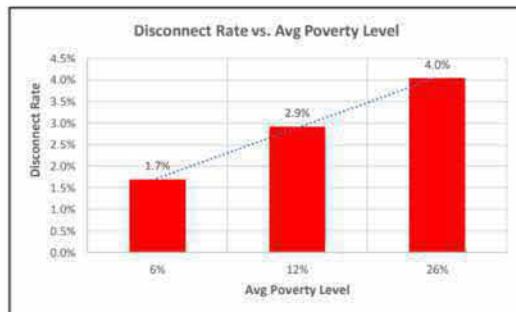
See APS-specific data and analysis on following page.

“When households with limited means find their utility bills consume such large portions of their income, they’re often faced with hard choices. Almost a third of the U.S. population has experienced one or more of the following: (Source: <https://ips-dc.org/the-inequality-crisis-hiding-behind-high-utility-bills/>)

- Having to choose between paying for utilities and paying for food, doctor’s appointments, or medications.
- Having their utilities disconnected because of missed payments.
- Setting their thermostat at an uncomfortable – or potentially even dangerous – temperature to save on energy bills.



| Poverty Level Grouping | Disconnects | Population | No. Below Poverty | Avg. Poverty Level | Disconnect Rate |
|------------------------|-------------|------------|-------------------|--------------------|-----------------|
| Group 1 (0-8%) | 13,091 | 771,445 | 42,846 | 6% | 1.7% |
| Group 2 (8-16%) | 34,459 | 1,180,601 | 140,151 | 12% | 2.9% |
| Group 3 (16-24+%) | 56,559 | 1,400,400 | 359,584 | 26% | 4.0% |
| N/A | 1,097 | 101 | - | - | - |
| Grand Total | 105,206 | 3,352,547 | 542,581 | 16% | 3.1% |



Group 1 (0-8%)

- Group 1 represents zip codes with 0-8% poverty level. The average poverty level is **6%**.
- The Disconnect Rate for this group is **1.7%**, which is considerably below average. Although this group represents 23% of the population, it accounts for only 12% of the disconnects.

Group 2 (8-16%)

- Group 2 represents zip codes with 8-16% poverty level. The average poverty level is **12%**.
- The Disconnect Rate for this group is **2.9%**, which is close to the average. This group represents 35% of the population and it accounts for 33% of the disconnects.

Group 3 (16-24+%)

- Group 3 represents zip codes with 16-24+% poverty level. The average poverty level is **26%**.
- The Disconnect Rate for this group is **4.0%**, which is considerably above average. This group represents only 42% of the population, but it accounts for a very high 54% of the disconnects.

SB1542 Language

AMENDING TITLE 40, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 8; RELATING TO RESIDENTIAL POWER.

Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 40, Arizona Revised Statutes, is amended by adding chapter 8, to read:

CHAPTER 8

RESIDENTIAL POWER

ARTICLE 1. GENERAL PROVISIONS

40-1251. Definition of utility

IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES, "UTILITY" MEANS A PERSON THAT DELIVERS ELECTRICITY OR GAS-POWERED ENERGY TO A RESIDENTIAL PROPERTY.

40-1252. Service disconnection; prohibition; requirements; definition

A. A UTILITY MAY NOT DISCONNECT ANY SERVICE RELATED TO HEATING OR AIR CONDITIONING IN THE FOLLOWING CIRCUMSTANCES:

- 1. FOR SERVICE RELATED TO HEATING, IF THE TEMPERATURE WHERE THE METER IS LOCATED IS FORECASTED TO DROP BELOW THIRTY-TWO DEGREES FAHRENHEIT.**
- 2. FOR SERVICE RELATED TO AIR CONDITIONING, IF THE TEMPERATURE WHERE THE METER IS LOCATED IS FORECASTED TO EXCEED NINETY DEGREES FAHRENHEIT.**

B. THE UTILITY SHALL MAKE REASONABLE PAYMENT ARRANGEMENTS WITH THE CUSTOMER TO ALLOW FOR THE CONTINUATION OF SERVICE. IF THE CUSTOMER DOES NOT HONOR THE PAYMENT ARRANGEMENT, THE UTILITY MAY DISCONNECT SERVICE RELATED TO HEATING ONCE THE TEMPERATURE IS ABOVE THIRTY-TWO DEGREES FAHRENHEIT OR AT THE BEGINNING OF APRIL, WHICHEVER OCCURS FIRST, OR SERVICE RELATING TO AIR CONDITIONING ONCE THE TEMPERATURE IS BELOW NINETY DEGREES FAHRENHEIT OR AT THE BEGINNING OF OCTOBER, WHICHEVER OCCURS FIRST.

C. A UTILITY MAY NOT DISCONNECT A CUSTOMER'S SERVICE IF ANY OF THE FOLLOWING APPLY:

- 1. THE CUSTOMER'S HOUSEHOLD INCOME IS AT OR BELOW TWO HUNDRED PERCENT OF THE FEDERAL POVERTY GUIDELINES AND THE CUSTOMER MAKES A MINIMUM PAYMENT.**
- 2. THE CUSTOMER HAS A HOUSEHOLD WITH ANY OF THE FOLLOWING:**
 - (a) A RESIDENT WHO HAS A DISABILITY OR WHO IS SIXTY-FIVE YEARS OF AGE OR OLDER.**
 - (b) A PREGNANT WOMAN.**
 - (c) A CHILD WHO IS UNDER FIVE YEARS OF AGE.**
 - (d) A PERSON WHO USES LIFE SUPPORT EQUIPMENT.**

D. ON RECEIPT OF WRITTEN NOTICE FROM A MEDICAL PROFESSIONAL, A UTILITY SHALL DELAY DISCONNECTION OF SERVICE FOR A CUSTOMER FOR THIRTY DAYS IF THE MEDICAL PROFESSIONAL DETERMINES THAT DISCONNECTING SERVICE TO A CUSTOMER WOULD BE DETRIMENTAL TO THE CUSTOMER'S HEALTH DUE TO A MEDICAL CONDITION. THE UTILITY SHALL DELAY A DISCONNECTION OF SERVICE FOR AN ADDITIONAL THIRTY DAYS IF AT THE END OF THE PREVIOUS DELAY THE MEDICAL PROFESSIONAL CERTIFIES THAT THE CUSTOMER CONTINUES TO SUFFER FROM THE MEDICAL CONDITION.

E. BEFORE SERVICE IS DISCONNECTED, A UTILITY SHALL INFORM THE CUSTOMER IN WRITING OF ANY LOW-INCOME ASSISTANCE PROGRAM THAT THE UTILITY PROVIDES AND ANY ADDITIONAL PAYMENT ASSISTANCE RESOURCES.

F. FOR THE PURPOSES OF THIS SECTION, "MEDICAL PROFESSIONAL" HAS THE SAME MEANING PRESCRIBED IN SECTION 20-2102.